

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL,
et al.,

Plaintiffs,

V.

ELAINE C. DUKE, *et al.*,

Defendants.

No. 1:16-cv-04756 (NGG) (JO)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

V.

DONALD TRUMP, *et al.*,

Defendants.

No. 1:17-cv-05228 (NGG) (JO)

UNOPPOSED MOTION TO ADJOURN OCTOBER 25, 2017 STATUS CONFERENCE

In accordance with the Court's September 27, 2017 Case Management and Scheduling Order, *Vidal* ECF No. 67, and the Court's scheduling order of October 2, 2017, Defendants respectfully request that the status conference currently scheduled for 2:00 p.m. on this Wednesday, October 25, 2017, be adjourned indefinitely. As good cause for this request, which Plaintiffs do not oppose, Defendants offer the following:

1. Pursuant to the Court's October 11, 2017 Order, *Vidal* ECF No. 81, the next regularly scheduled status conference in these matters is set for October 25, 2017 at 2:00 p.m. The purpose of this status conference is to discuss any pending discovery (or administrative record)

disputes between the parties. Other similar status conferences are also scheduled for November 8, 2017 at 2:00 p.m., November 30, 2017, at 2:00 p.m., and December 13, 2017 at 2:00 p.m.

2. In the Court's September 27, 2017 Minute Order, the Court contemplated that the parties would request adjournment or cancellation of these status conferences if they proved to be unnecessary. *See* Sept. 27, 2017 Order § III(a) ("If there are no pending disputes requiring court intervention, I will entertain a joint application to adjourn or cancel the conference.").

3. On October 20, 2017, the United States Court of Appeals for the Second Circuit issued an order staying all "discovery and record supplementation" in these matters pending further consideration of Defendants' forthcoming petition for a writ of mandamus. *See* Order, *In re Duke*, No. 17-3345 (2d Cir. Oct. 20, 2017) (Cabranes, J.), *Vidal* ECF No. 91.

4. Because all discovery and record supplementation have been stayed by the Court of Appeals, there are currently no active disputes to be resolved by this Court, and therefore there is currently no need for this Wednesday's status conference.

5. If, at some future date, the Court of Appeals lifts its stay, Defendants are willing to confer promptly with both sets of Plaintiffs and jointly propose another date (or dates) for a status conference (or conferences) to discuss further proceedings in these matters.

6. As for the other status conferences that are currently on the calendar, the parties and the Court may revisit the question of whether those status conferences are necessary as those dates approach, perhaps with the benefit of further guidance from the Court of Appeals about the nature of future proceedings in this matter.

7. Granting the requested relief will not effect any other deadlines. This is the first request for an adjournment in these matters.

8. Undersigned counsel for Defendants contacted counsel for each group of Plaintiffs and requested that they join in this motion. The *Batalla Vidal* Plaintiffs responded that they “do not oppose this motion, but decline to join in the request.” The *State of New York* Plaintiffs responded that they “do not oppose the Defendants’ motion requesting that the October 25 status conference be postponed, but [they] decline to join in the request.”

Dated: October 23, 2017

Respectfully submitted,

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